

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

STACY ARNOLD, )  
Plaintiff, )  
v. )  
CITY OF ST. JOSEPH, )  
ST. JOSEPH PUBLIC LIBRARY, )  
OFFICER REBECCA HAILEY (IN HER )  
PERSONAL AND PROFESSIONAL CAPACITY) )  
AND ROGER CLARY )  
Defendants )  
Case No. 19-06137-CV-SJ-BP

**PLAINTIFF'S REQUEST FOR LEAVE TO FILE A SUR-REPLY TO THE LIBRARY'S  
REPLY TO PLAINTIFF'S SUGGESTIONS IN OPPOSITION TO DISMISSAL**

COMES NOW Plaintiff, Stacy Arnold, and in accordance with Local Rule 15 (1) (a) respectfully requests leave to file a sur-reply to the Library's reply suggestions in support of its dismissal motion in the form of an affidavit, which is attached to this Motion as Exhibit 1. In support of this motion, Plaintiff states as follows:

1. In its reply suggestions to Plaintiff's suggestions in opposition to the Library's motion to dismiss, the library claims that “[Plaintiff] has not returned to the Library since her arrest and after the policy was enacted” (ECF 44, p. 4) and that “Plaintiff has made no attempt to return to canvas [sic] at the library under its new policy.” (ECF 44, p. 5).
2. The preceding claim is materially and unambiguously false, and it provides foundation for the library's argument that Plaintiff lacks standing.

3. As shown in Exhibit 1, Plaintiff absolutely has returned to the Library since her arrest and after the policy was enacted, on multiple occasions. Moreover, in that time, Plaintiff has had significant, substantive conversations with employees or agents of the Library regarding her presence and her canvassing activities at the Library. It cannot possibly be lost on the Library that Plaintiff was present there on the occasions described in Exhibit 1.

4. To the extent that the Library's reply suggestions in support of its dismissal motion rely on the assertion that Plaintiff has not returned to the library to canvass since the implementation of the new policy, a sur-reply in the form of the attached affidavit is necessary for the Court to render a decision on a fully-informed basis.

WHEREFORE, Plaintiff respectfully requests to file the attached sur-reply and affidavit describing and attesting to Plaintiff's return to the library, and her canvassing there.

Respectfully Submitted,

STACY ARNOLD, Plaintiff

/s/Stacy Arnold  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing was filed electronically with the Clerk of the Court on February 18, 2020, to be served by operation of the Court's electronic filing system upon:

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/s/ Stacy Arnold